

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

BONNIE HEATHER MILLER, ROBERT
WILLIAM ALLEN, ADELLA DOZIER
GRAY, and ARKANSAS VOTERS FIRST,

Plaintiffs,

v.

JOHN THURSTON, in his official capacity
as Secretary of State of Arkansas,

Defendant.

Case No. 5:20-cv-05070-PKH

Hon. Paul K. Holmes, III

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs file this Notice of Supplemental Authority to alert the Court of the decision (attached as Ex. 1), in *Thompson v. DeWine*, No. 2:20-cv-02129-EAS-CMV (S.D. Ohio May 19, 2020). Yesterday, the *Thompson* court granted a preliminary injunction in favor of plaintiffs seeking to place initiatives and constitutional amendments on the November ballot. Slip Op. at 1. The court rejected Ohio's argument that the wet ink signature, witnessing, and submission deadlines for ballot initiatives involved only mechanics of the initiative process, not protected First Amendment activity that would apply to candidate ballot access, *id.* at 15-20, and concluded that as-applied to the particular plaintiffs in the case during the COVID-19 pandemic, those requirements were a severe burden under the *Anderson-Burdick* framework not justified by sufficient state interests, *id.* at 25-35. The court enjoined the wet ink signature, witnessing, and deadline requirements for the ballot initiatives, and ordered the parties to confer about an appropriate remedy. *Id.* at 38-40.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on May 20, 2020 the foregoing was served on all counsel of record through the Court's CM/ECF system.

/s/ Mark P. Gaber
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Counsel for Plaintiffs